

## REMARKS

In the Office Action mailed June 30, 2004, the specification was objected to by the Examiner and claims 1-28 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,433,444 to Smith.

In response to the objection to the specification, Applicant has amended the specification to correct the noted typographical error.

Through this Amendment and Response, Applicant has canceled claims 5 and 12, incorporating the limitations recited therein into claims 1 and 9, respectively. Applicant has also rewritten claims 3 and 11 in independent form, incorporating all limitations of the respective base claims and amended the dependency of claims 6 and 13.

Claim 1 was rejected as anticipated by Smith. To anticipate a claim, a reference must teach, either expressly or inherently, each and every element of the claim. See MPEP § 2131.01. As amended, claim 1 includes the limitation of "the mounting plate and the cover being adapted to exert axial pressure on the radial flange". This axial pressure is applied to prevent the support arm from unwanted rotation relative to the mounting and cover plates.

A thorough examination of Smith reveals that exactly the opposite is taught by this reference: the mounting plate and the cover exert no axial pressure on the radial flange. Smith discloses a "Counterpoised Supporting Device" that is described as being useful for mounting and supporting kitchen appliances to the underside of cabinets. The Smith device has an annular mounting plate (10) and an annular cover plate (12), the two of which are sandwiched together and mounted by screws (14) to the underside of a cabinet (16). See Figs. 1-3. A supporting plate (18) is disposed within the opening defined by the mounting and cover plates (10, 12). The supporting plate (18) includes a plurality of flanges (20) that are *slidably* disposed in the annular slot defined between

the mounting plate (10) and the cover plate (12). Col. 3, ll. 53-62. Because the flanges are *slidably* disposed in the annular slot, Smith teaches that the mounting plate (10) and the cover plate (12) exert no axial pressure on the flanges, thereby leaving the supporting plate (18) free to rotate unless it is otherwise locked in place.

Rotation of the supporting plate (18) is prevented by the locking mechanism further described in Smith. A first locking ring (23) is mounted to the cover plate (12) and has “downwardly directed teeth”. These teeth engage the teeth of a second locking ring (24) which is attached to a spring (26) extending through an aperture in a lug (21) extending from the supporting plate (18). The spring (26) maintains the second locking ring (24) in engagement with the first locking ring (23) to lock the supporting plate (18) in place. This locking mechanism in no way teaches or describes the axial pressure limitation found in amended claim 1. Further, this locking mechanism actually teaches away from the system of amended claim 1. For these reasons, Smith does not teach all the limitations of, and therefore does not anticipate, amended claim 1.

Claims 2, 4, and 6-8 each ultimately depend from amended claim 1. As such, where Smith does not anticipate amended claim 1, it also does not anticipate these dependent claims.

Claim 3 was also rejected as anticipated by Smith. Amended claim 3 includes the limitation of “the flat panel display bracket is adapted to maintain a chosen orientation, relative to the support arm, under load.” Smith expressly teaches against this limitation. Smith includes an appliance holder (36) attached at the distal end of the support arms (30, 38). According to Smith, the support arms (30, 38) are constructed such that

“The arms 38 and 30 can be pivoted between raised and lowered positions relative to the cabinet 16 so that appliance holder 36 maintains a *constant orientation relative to cabinet 16* in all positions of arms 30 and 38.”

Col. 4, ll. 22-26 (emphasis added). Smith thus teaches that the appliance holder (36) maintains a constant position relative to the cabinet (16), whereas amended claim 3

includes the limitation that the bracket maintains a chosen orientation relative to the support arm. The cabinet and the support arm are two significantly different points of reference against which the position of the appliance holder/bracket is maintained. For this reason, Smith does not anticipate amended claim 3.

Claim 9 was also rejected as anticipated by Smith. Amended claim 9 includes the limitation of "the mounting plate and the cover being adapted to exert axial pressure on the radial flange". As discussed above in reference to amended claim 1, Smith does not teach this limitation and therefore does not anticipate claim 9.

Claims 10, 11, 13, and 15 each ultimately depend from amended claim 9. As such, where Smith does not anticipate amended claim 9, it also does not anticipate these dependent claims.

Claim 14 was also rejected as anticipated by Smith. Amended claim 14 includes the limitation of "the flat panel display bracket is adapted to maintain a chosen orientation, relative to the articulating arm, under load." As discussed above in relation to amended claim 3, Smith teaches maintaining the orientation of the appliance holder 36 relative to the cabinet 16, and not relative to the articulating arm. Smith therefore does not anticipate amended claim 14.

Claim 16 was also rejected as anticipated by Smith. Claim 16 includes the limitations of "a first spacer abutting at least the first surface portion of the mounting plate" and "an annular spacer disposed about the cylindrical portion of the support arm adjacent the radial flange". Smith does not disclose any spacers disposed about the mounting plate (10), the cover plate (12), or the supporting plate (18) and lug (21). Smith therefore does not anticipate claim 16.

Claims 17-23 each ultimately depend from claim 16. As such, where Smith does not anticipate claim 16, it also does not anticipate these dependent claims.

Claim 24 was also rejected as anticipated by Smith. Claim 24 includes the limitations of "the mounting plate and the cover are adapted to exert axial pressure on

the radial flange" and "the flat panel display bracket being adapted to maintain a chosen orientation, relative to the support arm, under load." As discussed above in relation to amended claim 1 and 3, Smith does not teach either of these limitations. Smith therefore does not anticipate claim 24.

Claim 25 was also rejected as anticipated by Smith. Claim 25 includes the limitations of "the cover and the plate include means for exerting axial pressure on the radial flange" and "the flat panel display bracket including means for maintaining a chosen orientation, relative to the support arm, under load." As discussed above in relation to amended claim 1 and 3, Smith does not teach either of these limitations. Smith therefore does not anticipate claim 25.

Claims 26-28 each ultimately depend from claim 25. As such, where Smith does not anticipate claim 25, it also does not anticipate these dependent claims.

In view of the above, Applicant requests reconsideration of the rejection.

Respectfully submitted,

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